# PENK VALLEY ACADEMY TRUST

## *Anti-harassment and Bullying (School Version) Policy*

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| **Adopted by Trustees:** | |
| **Signed:** | |
| **Date:** | Autumn 2023 |
| | |
| **Next Review date:** | Autumn 2026 |

COLLABORATION CHALLENGE CURIOSITY CARE

**POLICY INFORMATION**

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| **Date of last review:** | Autumn 2023 | **Review period:** | Tri-Annually |
| **Date ratified by Trustees:** | December 2023 | **Trustee committee responsible:** | Audit Finance and Risk Committee |
| **Policy owner:** | CPO | **Executive team member responsible:** | CPO |

**Reviews/revisions**

| Review date | Changes made | By whom |
|---|---|---|
| 2023 | Policy adopted from SCC policy | CPO |
| 2025 | Revised in light of The Worker Protection (Amendment of Equality Act 2010) Act 2023 | CPO |

**Equality and GDPR**

All Penk Valley Academy Trust policies should be read in conjunction with our Equal Opportunities and GDPR policies.

Statement of principle – Equality

We will take all possible steps to ensure that this policy does not discriminate, either directly or indirectly against any individual or group of individuals. When compiling, monitoring and reviewing the policy we will consider the likely impact on the promotion of all aspects of equality as described in the Equality Act 2010.

Statement of principle – GDPR

Penk Valley Academy Trust recognises the serious issues that can occur as a consequence in failing to protect an individual adult's or child's personal and sensitive data. These include emotional distress, physical safety, child protection, loss of assets, fraud and other criminal acts.

Penk Valley Academy Trust is therefore committed to the protection of all personal and sensitive data for which it holds responsibility as the Data Controller and the handling of such data in line with the data protection principles and the Data Protection Act (DPA)/GDPR.

**Penk Valley Academy Trust** will be referred to as **PVAT** for the remainder of the document which includes all schools who are members of PVAT, business operations and centralised services.

**ANTI-HARRASSMENT AND BULLYING (SCHOOL VERSION) POLICY**

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## 2. Statement

We (PVAT) want our workforce to be ambitious, courageous and empowered to do a great job and make a positive difference to the lives of the people we serve. To support this, we want a positive working environment and a culture of confidence, respect and equality. When things do not go to plan, it is important we resolve issues in the right way for all involved. Our People Policies provide managers and colleagues with the clear yet flexible guidance to deal with those issues quickly and fairly.

## 3. Guiding Principles

We are committed to developing policies and processes that reflect our Values and contribute to promoting a positive working environment. The principles that underpin this are:

- Encouraging adult-to-adult conversations where everyone acts to address workplace concerns early through day-to-day conversations
- Being supportive, proactive and solution focussed, addressing concerns quickly and fairly, tailored to individual needs
- Recognising that everyone has a responsibility and role to play in creating the right conditions to do their job well
- Focussing on wellbeing and building trust within the workplace
- Developing policies that support diversity and inclusion and promote an inclusive work environment free from any form of discrimination, bullying, harassment, or victimisation.
- Holding ourselves and each other to account to always behave and act in the best interests of the trust, school and the people of Staffordshire

## 4. Purpose

If you feel you are being treated unfairly at work, it is important to understand what type of treatment you are experiencing. It might be bullying, harassment (including sexual harassment), or victimisation.

This policy explains these terms, what you can do and what you can expect to happen if you are experiencing or observing any of these behaviours. The aim of this policy is to achieve an improvement in your working environment and working relationships so that it is free from harassment, bullying, victimisation and discrimination and ensure all staff are treated, and treat others, with dignity and respect.

If you raise a complaint under this policy whilst another process is active, e.g., during a capability or disciplinary process, then there may be a decision to pause or in most cases where they are directly connected, they will run at the same time. This policy will not to be used for:

- Personal differences between you and another employee.
- Incidents that happened more than 3 months ago. There may be some exceptions to this timescale dependent on the nature of the complaint. We reserve the right not to investigate complaints older than 3 months.

If a malicious or vexatious complaint is made against you or you make such a complaint, this may be treated as misconduct and lead to disciplinary action.

You will not be subjected to disciplinary action or to any other detriment simply because your complaint is not upheld. You will only face disciplinary action if it is found both that the allegation is false and you have made it in bad faith (that is, without an honest truth in its belief).

## 5. Scope of Policy

The purpose of this policy is to set out a framework for managers to deal with any harassment or bullying by any members of staff (which may include consultants, contractors and agency workers) and also by third parties such as customers, suppliers or visitors to our premises.

This policy has been implemented following consultation with our recognised Trade Unions.

This policy does not form part of any contract of employment or contract to provide services, and we may amend it at any time in consultation with recognised trade unions.

This policy applies to all employees, officers, consultants, self-employed contractors, casual workers, agency workers, volunteers, and interns, other than those on Joint Negotiating Committee terms and conditions where different conditions may apply.

Decisions will be made in line with the school's local scheme of delegation or equivalent mechanism for making decisions at the appropriate level.

## 6. What is bullying?

Bullying can be described as unwanted behaviour (one off or a regular pattern) from a person or group that can be offensive, intimidating, malicious or insulting, an abuse or misuse of power that can make a person feel vulnerable, upset, humiliated, undermined, or threatened. Power does not always mean being in a position of authority but can include both personal strength and the power to coerce through fear or intimidation. It can happen at work or in other work-related events and not always face to face, for example, over email or on social media. Bullying may not always be obvious or noticed by others.

Examples of bullying can include:

- spreading malicious rumours, or insulting someone by word or behaviour
- copying emails that are critical about someone to others who do not need to know
- ridiculing or demeaning someone – picking on them or setting them up to fail
- exclusion or victimisation
- unfair treatment
- overbearing supervision or other misuse of power or position (however, legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own)
- unwelcome sexual advances – touching, standing too close, verbal communication, display of offensive materials
- making threats or comments about job security without foundation
- deliberately undermining a competent worker with unreasonable workloads or constant criticism
- preventing an individual's progression by intentionally blocking promotion or learning or development opportunities

## 7. What is harassment?

Harassment is when the unwanted behaviour is related to a protected characteristic which are defined as, age, sex, disability, gender reassignment, race, region or belief and sexual orientation.

Harassment is when the unwanted behaviour is related to a protected characteristic which are defined as, age, sex, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, region or belief and sexual orientation. Unlawful harassment may also involve conduct of a sexual nature (sexual harassment). Harassment is unacceptable and will not be tolerated even if it does not fall within any of these categories.

To be considered harassment the unwanted behaviour must have either violated your dignity, or created an intimidating, hostile, degrading, humiliating or offensive environment for you, whether intended or not.

Harassment can include a serious one-off incident, repeated behaviours, spoken or written words, imagery, gestures, mimicry, jokes or physical behaviours that affect you. A key factor in determining whether bullying / harassment has occurred is whether the actions or comments are viewed as demeaning and unacceptable by you.

Cases of harassment can often relate to 'banter'. Banter is defined as friendly teasing. Banter cannot be used to excuse derogatory or discriminatory language or behaviour related to a protected characteristic which falls within the bounds of unwanted behaviour and is therefore harassment.

The law on harassment also applies to:

- being harassed because you are thought to have a certain protected characteristic when you do not
- because you are linked to someone with a certain protected characteristic
- you witness harassment that violates your dignity or has created an intimidating, hostile, degrading, humiliating or offensive working environment for you, even if you were not the intended "target"
- being treated less favourably because you have unwillingly allowed (or submitted/given in) or refused to allow (or submit/given in) to behaviour amounting to sexual harassment against you in the past.

- **What is sexual harassment?**

Sexual harassment is any unwanted physical, verbal or non-verbal conduct of a sexual nature that has the purpose or effect of violating your dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for you. A single incident can amount to sexual harassment.

Sexual harassment may include, for example:

- unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing;
- continued suggestions for sexual activity after it has been made clear that such suggestions are unwelcome;
- sending or displaying material that is pornographic or that some people may find offensive (including emails, text messages, video clips and images sent by mobile phone or posted on the internet);

- unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless); or
- offensive emails, text messages or social media content.

It also includes treating you unfairly because you have either accepted or rejected unwanted sexual behaviour, or because of your gender reassignment or sex, in the past.

You may be sexually harassed even if you were not the intended target. For example, you may be sexually harassed by pornographic images displayed on a colleague's computer in the workplace.

Sexual harassment or victimisation of any member of staff, or anyone you come into contact with during the course of your work, is unlawful and will not be tolerated. We will take active steps to help prevent sexual harassment and victimisation.

Anyone who is a victim of, or witness to, sexual harassment is encouraged to report it in accordance with this policy. This will enable us to take appropriate action and provide support.

## 8. What is victimisation?

Victimisation is being treated unfairly (a detriment) because you made or supported a complaint (gave evidence or information) to do with a protected characteristic or someone believes that you did or are intending to do so. Protected characteristics are set out in Section 7 and derive from the Equality Act 2010. Victimisation doesn't just relate to raising or supporting complaints but has a broader remit of doing any other thing in connection with the Equality Act or alleging someone has contravened the act.

In relation to sexual harassment, victimisation may include, for example:

- being denied an opportunity because it is suspected you intend to make a complaint about sexual harassment.
- being excluded because you have raised a grievance about sexual harassment.
- not being promoted because you accompanied another staff member to a grievance meeting.
- being dismissed because you gave evidence on behalf of another staff member at an employment tribunal hearing.

Sexual harassment, harassment and victimisation are unlawful and will not be tolerated. They may lead to disciplinary action up to and including dismissal if they are committed:

- In a work situation.
- During any situation related to work, such as at a social event with colleagues.
- Against a colleague or other person connected to us outside of a work situation, including on social media.
- Against anyone outside of a work situation where the incident is relevant to your suitability to carry out your role.

We will take into account any aggravating factors, such as abuse of power over a more junior colleague, when deciding the appropriate disciplinary action to take.

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## 9. What is discrimination?

By law, discrimination is when someone is treated unfairly because of any protected characteristics as outlined above. It is against the law to treat someone unfairly because of any of them, for example, if someone is turned down for a job because of their sexual orientation it is likely to be discrimination.

## 10. Mediation

We strongly promote the use of mediation services as an option for resolving concerns within the workplace. Access to such a service can be identified through normal day-to-day management conversations. This remains an option during any formal process.

The benefits of mediation are that it can help with situations where two or more people are in dispute about something and or are experiencing relationship difficulties and are keen to reach an agreement. It is a voluntary process, and a trained Mediator will help to facilitate discussions about solutions. They are not there to judge, decide or tell you what you should do. It can often be a useful approach to help resolve a problem.

If at any point you feel that mediation might help, you should discuss this with your manager, Head Teacher, Chair of Governors (where concerns relate to the Head Teacher) or HR department

## 11. Early considerations

Sometimes there will be issues within the workplace that may not require a formal process and you feel able to raise and discuss during everyday work conversations. We recognise that sometimes issues may arise because of misunderstandings or miscommunication.

It is also important to recognise that upwards bullying or harassment can occur. It can be difficult if you are in a more senior role to realise you are experiencing bullying behaviour by someone in your team. This could include someone showing continued disrespect, refusing to complete tasks, spreading rumours, doing things to make you seem unskilled or unable to do your job properly.

Regardless of whether it occurs on a peer-to-peer basis or within a line management relationship, it is important to consider any underlying reasons for the behaviour and engage in early conversations to achieve resolution as quickly as possible.

Sometimes the person(s) alleged to have displayed bullying behaviour (the person under investigation), might not realise the effect of their actions upon you or others. If you can, you should always try and talk to them first. You should explain how their behaviour makes you feel, be firm but not aggressive and stick to the facts.

If you are being sexually harassed, and you feel able to raise it informally with the person responsible, you should explain clearly to them that their behaviour is not welcome or makes you uncomfortable.

If you feel unable to approach the individual directly yourself, there are a number of other individuals that you can seek support and advice from in order for you to work out how best they can help you to resolve the issue informally and in a way you are most comfortable having considered the different options.

For advice and support, you should speak to your line manager, an alternative or more senior manager (if your complaint concerns your manager), the Head Teacher, or Chair of Governors. Examples of advice and support could include:

- Providing you with advice on how to approach the issue directly with the person concerned.
- Supporting you in raising the issue with the person concerned by accompanying you in any discussion or helping you set your thoughts out in writing

- Raising the matter informally with the person concerned on your behalf
- Arranging mediation with an external mediator between yourself and the person concerned.
- Helping to obtain counselling from our counselling services
- Helping to get advice and assistance in dealing with issues relating to a specific protective characteristic, or to gain advice from other sources.

Your trade union, head teacher and chair of governors can also provide confidential advice.

If informal steps are not appropriate, for example due to the seriousness of the issue, or your informal attempts have been unsuccessful, you should consider the formal procedure set out in Section 15.

If you are not certain whether an incident or series of incidents amounts to sexual harassment, you should initially contact your line manager, an alternative / senior manager or the Chair of Governors informally for confidential advice. Advice on the matter can also be obtained from a trade union where you are a member.

If you are a colleague who witness incidents of bullying, harassment, sexual harassment or victimisation you are encouraged to take appropriate steps to address it.

Depending on the circumstances, this could include:

- Intervening where you feel able to do so.
- Supporting the victim to report it or reporting it on their behalf.
- Reporting the incident where you feel there may be a continuing risk if you do not report it.
- Co-operating in any investigation into the incident.

All witnesses will be provided with appropriate support and will be protected from victimisation.

We recognise that behaviours associated with bullying and harassment and victimisation can often take place in private and out of the sight of others. Where there are no witnesses, you may feel that there is little point in raising a complaint as you will have no evidence, may not be believed or a complaint may make matters worse. Even in these circumstances, we would encourage you to talk to someone as soon as possible so that we can support you and work towards resolution of the issue as quickly as possible.

We will ensure that if you are raising a complaint or are involved in an investigation, you feel fully supported and protected before, during and after any process.

## 12. Third Party Complaints

You might raise issues about matters that are considered to be outside of our control as your employer, for example, issues relating to students, clients, contractors, visitors, parents or members of the public. These are people that don't work for the trust/school nor who operate as an agent of the trust/school.

We will not tolerate bullying, harassment or sexual harassment of our staff by third parties. Where this happens, we will adhere to the process outlined in this policy as far as is reasonably practicable and take steps to remedy any complaints and prevent it from happening again. This may include warning the individual about their behaviour, ending a contract to provide services to them, banning them from our premises, reporting any criminal acts to the police, and sharing information with other parts of the trust/school .

Third-party sexual harassment can also result in legal liability and will not be tolerated. Third-party harassment could include, for example, unwelcome sexual advances from a client, customer or supplier visiting the Trust's premises, or where a person is visiting a client, customer or supplier's premises or other location in the course of their employment.

We will take active steps to try to prevent third-party sexual harassment. These may include warning notices to customers or recorded messages at the beginning of telephone calls. You are encouraged to report any third-party harassment you are a victim of, or witness, in accordance with this policy.

Conversely, any bullying, harassment (including sexual harassment) and victimisation committed by an employee against a third party may lead to disciplinary action up to and including dismissal.

## 13. Collective complaints

When someone raises a complaint under this policy with other colleagues, this will be referred to as a collective complaint and this will follow the same process as outlined in this policy. It may be helpful to have 1 or 2 representatives from the group, with the same grievances, to participate in the process on behalf of the others. Alternatively, a trade union representative may act on behalf of a group of their members.

## 14. Formal Complaints of Harassment and Bullying

Where resolution cannot be reached, or the matter is so serious, a full formal investigation may be required. If you wish to proceed with a formal complaint you will need to:

- Set out your complaint in writing to your manager. This should include as much detail as you can of events, dates, and the impact.
- Try and use language that is factual and try and avoid language that might cause additional distress (if you find this difficult to express you can seek support from your manager, or your Trade Union).
- Identify any potential witnesses.
- Raise and submit your complaint within 3 months of the concern, problem or complaint arising. We reserve the right not to investigate complaints older than 3 months. There may be some exceptions to this timescale dependent on the nature of the issue. For example, where a number of instances occur over a number of months, they may be considered. Conversely, an isolated incident or issue that occurred many months or years ago may not be.
- Be clear about how you feel your complaint can be resolved satisfactorily.

If your complaint relates to your direct line manager then you should submit this to a more senior manager, Head Teacher or Chair of Governors (where it relates to your Head Teacher). If you are unsure who to submit your complaint to, you can speak to the HR department.

We may also consider that despite there being no formal complaint submitted, that behaviours we become aware of or have been observed, are so serious that we feel a formal process needs to be followed. In those circumstances, we will notify all parties in writing and explain why we feel this is necessary.

Additionally, we reserve the right to invoke and apply the principles of the Disciplinary Policy, to any allegation of harassment, bullying, victimisation or discrimination. This decision will be taken by the

manager in receipt of the complaint and /or concern and will be supported by the HR department as appropriate.

Once you have submitted your formal complaint in writing, the manager, Head Teacher or Chair of Governors to whom you have addressed it (the Deciding Manager), will acknowledge it in writing and arrange to meet with you to discuss and understand your complaint more fully. They will attempt to do this within 5 working days of receiving your written complaint and you will have a right to be accompanied.

Where it is not possible to hold a face-to-face meeting under this procedure, we may conduct the process remotely, for example using Microsoft Teams. We will ensure that you and your companion have access to the necessary technology for participating. Your rights will not be affected, and we will ensure that the procedure remains fair and reasonable.

It might be possible to reach agreement during that meeting for an approach to a trained Mediator to try and resolve your complaint without immediately entering into formal investigation. You may also be able to agree meeting with or sharing how you feel with the person the complaint is about, with support, particularly if that person(s) is unaware of how their behaviours may be affecting you.

However, where a formal investigation is required, the Deciding Manager will write to you to inform you who they will be appointing to investigate your complaint (Investigating Officer), how long the investigation is likely to take and that you and other parties who may be witnesses will be asked to meet with them and provide statements to establish the facts.

You should be aware that once a formal investigation has been agreed, the Deciding Manager will also then need to meet with the person under investigation to explain that a complaint of harassment, bullying, or victimisation has been made against them and explain what process will follow.

If a complaint is made against you, you can expect to receive details of the complaint in writing. You will also have the right of response through the investigation process with the right to be accompanied.

Following completion of the investigation, a report will be completed with details of findings, and you will be invited to make final representations at an outcome meeting. Consideration will then be given as to whether:

- the matter should proceed to a formal hearing under the Disciplinary Policy
- there is some other option for resolution
- there is no case to answer

Should the matter proceed to a disciplinary process, the investigation report will form the basis of that process.

Whether you are the complainant or the person the complaint is about, you will be kept updated if timescales need to be extended, particularly where issues within an investigation are complex. It may be possible for both parties to remain working in the same team or location whilst an investigation takes place, however this can be discussed with the Deciding Manager prior to commencement of the investigation to ensure all parties feel fully supported and identify if there are any measures that would assist during the investigation. We may consider suspending the person under investigation (on full pay) or making other temporary changes to working arrangements pending the outcome of the

investigation, if circumstances require. For example, you may ask for changes to your duties or working hours to avoid or minimise contact with the person the complaint is about.

Where your complaint is about someone other than an employee, such as a customer, supplier, or visitor, we will consider what action may be appropriate to protect you and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party.

It may be necessary to interview witnesses to any of the incidents mentioned in your complaint. If so, the importance of confidentiality will be emphasised to them.

If you have difficulty at any stage of this procedure either:

- because of a disability or
- because English is not your first language

you should discuss the situation with your manager as soon as possible, so that suitable support can be explored.

### 15. Formal Outcome Meeting

Once the Investigating Officer has concluded their investigation, they will submit their findings to the manager who requested the investigation (the Deciding Manager). They will then send a copy of the report to both complainant and the person under investigation and arrange to meet to discuss the findings. There will be separate outcome meetings with you as complainant and the person under investigation. You will both be given a minimum of 10 calendar days' notice of the meeting taking place, unless you request to meet sooner. A member of the HR team will also be in attendance, wherever possible.

A record of the meeting will be made, either by the person conducting the meeting, a note taker or electronic recording (where the meeting is held remotely). Where electronic recordings are made, for the purposes of transcription, this will be with prior consent by all attendees and data protection obligations being met. A written record or transcription of the meeting will be shared with you.

You both have the right to be accompanied at this meeting and must take all reasonable steps to attend a meeting. If you or your companion are unable to attend a formal meeting, you have a right to suggest an alternative time and date so long as it is reasonable, and it is not more than 5 working days after the original date.

You are expected to attend meetings which form a key part of processes in relation to your employment. Meetings will be rearranged where possible however not usually more than once.

If you are unable toa ttend you will be informed that the meeting will be held in your absence and invited to submit written representation by email or in writing, in advance (to arrive at least 24 hours before the meeting).

Where a decision is made in your absence it will be based upon the information available at the time, including any written representations you have made.

At the separate outcome meetings, you will both have opportunity to make any final "representations" in relation to the findings. This is a provision for both the complainant and the person under investigation to submit any additional comments to the Deciding Manager for them to take into consideration alongside the findings. This is not to add more evidence as you should ensure all detail

has been shared throughout the investigation but provides an opportunity having read the final report to correct or highlight anything that you feel is of specific importance and/or may have been missed as part of that investigation report. You will have 5 working days from the date of the meeting to submit any final "representations" to the Deciding Manager in writing.

Following the meeting, and period allowed for final representations, the Deciding Manager will inform you of the outcome at the earliest opportunity and in writing within five working days. If they are unable to make a decision at that point, they will contact you and explain why and when they will be able to confirm the decision and what the next steps are.

Potential outcomes will be that your complaint is: -

- **Upheld** – if the Deciding Manager considers that harassment or bullying has occurred, then prompt action will be taken to address it. Where the harasser or bully is a member of staff, the matter will be dealt with as a case of possible misconduct or gross misconduct under our Disciplinary Policy. If the harasser or bully is a third party such as a customer or other visitor, we will consider what action would be appropriate to deal with the problem.
- **Partially Upheld** – this may be a combination of disciplinary action and/or recommendations for specific actions such as mediation
- **Not Upheld** – there is insufficient evidence to warrant a disciplinary process but there may be other actions that are required to help facilitate better working relationships

Whether or not your complaint is upheld, we will consider how best to manage any ongoing working relationship between you and the person concerned. It may be appropriate to arrange some form of mediation and/or counselling, or to change the duties, working location or reporting lines of one or both parties.

The Deciding Manager will include as much detail as possible to support the rationale for the outcome provided. If you are the person under investigation and the outcome is upheld which indicates a formal disciplinary hearing is required, you will have a right of appeal through the disciplinary process. If you as the complainant are dissatisfied with the outcome provided by the Deciding Manager under this policy, you have the right of appeal under the Appeals Procedure.

Any staff member who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action under our Disciplinary Policy.

## 16. Formal Disciplinary Hearing

Where the findings of a formal investigation produce evidence of bullying or harassment and the Deciding Manager confirms a formal disciplinary hearing is required, the process will then move to the Formal Disciplinary hearing process. The case will be heard by a Deciding Manager who has not previously been involved and will follow the process for a hearing as outlined in the Disciplinary Policy. The option of a "Colleague Proposed Approach" through the disciplinary policy will not be available for allegations of harassment, bullying or victimisation.

If any sexual harassment or victimisation of staff occurs, as well as instigating a disciplinary hearing, we will also take steps to remedy any complaints and to prevent it happening again. These may include updating relevant policies and providing further staff training.

## 17. Wellbeing, Support and Protection for those involved

Supporting wellbeing is an integral and essential part of our People Policies. Concerns around bullying, harassment or victimisation particularly where a formal investigation is needed, can be stressful for everyone involved. We all respond to stressful situations in different ways. Sometimes a process may cause distress and impact on both physical and mental health.

The Trust provides access to Wellbeing support via the HR SharePoint. This contains information and resources and provides ideas and solutions to help support your own wellbeing as well as providing advice for your manager.

If you make a complaint or participate in good faith in any investigation you will not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under our Disciplinary Policy. If the matter is not resolved, you should raise it formally using our Resolving Grievances Policy or this procedure if appropriate.

If you believe you have suffered any such treatment you should inform your line manager. If your line manager is the concern, you should contact your senior manager, Head Teacher or Chair of Governors.

## 18. Right to be Accompanied

In line with ACAS (Advisory, Conciliation and Arbitration Service) Code of Practice, at any formal meeting you have the right to be accompanied by either:

- a work colleague
- a trade union representative, or
- an official employed by the trade union

You should confirm to the Deciding Manager who will accompany you in advance of any meeting.

There are also times when we allow you to be accompanied at other meetings as part of this policy and it will be noted at the relevant sections where this is permitted.

At the meeting, your companion may make representations to us and ask questions but should not answer questions on your behalf. You may talk privately with them at any time during the meeting.

Acting as a companion is voluntary and your colleagues are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion.

We may, at our discretion, allow you to bring a companion who is not a colleague or union representative (for example, a member of your family) if this will help overcome a disability, or if you have difficulty understanding English.

## 19. Whistleblowing

Raising a complaint can often be confused with “whistleblowing”. You are a whistle-blower if you report types of wrongdoing, usually something you have seen at work which is in the public interest. This means that it must affect others for example the general public. In those cases, you are protected by law and can raise a concern at any time and should use the Whistleblowing procedure which can be found on the PVAT website or from your manager/Headteacher.

If your complaint is not something that would affect the general public but about alleged bullying or harassing behaviours by someone else towards you, then this is likely to be a complaint under this policy and this process should be followed.

## 20. Data Protection and Confidentiality

Confidentiality is an important part of the procedures provided under this policy. Details of the investigation and the names of the person making the complaint and the person the complaint is about must only be disclosed on a "need to know" basis. Breach of confidentiality may give rise to disciplinary action under our Disciplinary Policy.

If you are invited to a formal meeting, you must not make any electronic recordings. Any breach of this provision may lead to disciplinary action, which could include dismissal.

Information about a complaint by or about you may be placed on your personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with our Privacy Notice and Data Protection Policy.

## 21. Further Advice

If you need any further information about any aspect of this policy, please initially speak to your manager or Head Teacher. Alternatively, you can contact the school's HR department.

## 22. Reviewing this Policy

This policy will be reviewed annually unless there is a requirement to do so before due to legislative or best practice changes.

## 23. Community Impact Analysis

We consider carefully how the decisions we make affect people who share different protected characteristics (race, disability, sex, gender re-assignment, religion, belief, sexual orientation, age, marriage and civil partnership, pregnancy and maternity). The Community Impact Analysis highlights the proactive and positive approach we take to supporting staff who may be experiencing harassment, bullying, victimisation or discrimination within the workplace, whilst taking into consideration any employee protected characteristics.

The completed Community Impact Analysis to support this policy is available on request.

**This information can be made available in a range of formats and languages including Braille and large print.**

**If this would be useful, please contact the Head Teacher or the school HR provider**